



PUBLIC NOTICE

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The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets

By this Public Notice, the International Bureau revises and reissues the Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets." This Public Notice also summarizes the relevant rule sections that incorporate this list by reference.

The revised list adds foreign carriers in 13 countries or non-sovereign points not previously specified in the list.¹ It also updates the names of carriers in seven geographical markets that were already included in the list.² This list shall continue to apply for purposes of implementing the following Commission rules: Sections 1.767(g)(5) (involving the prohibition on cable landing licensees agreeing to accept special concessions); 43.51(b) (involving reporting contracts and concessions); 63.14 (involving the prohibition on telecommunications carriers agreeing to accept special concessions); and 63.23(d) (involving the provision of switched basic services over authorized resold private lines). This list shall also apply for purposes of implementing Section 64.1002 (involving the international settlements policy), which the Commission adopted in the *2004 ISP Reform Order*.³ In that Order, the Commission revised its rules relating to the international settlements policy (ISP).

¹ See *List of Foreign Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Declaratory Ruling, DA 04-970, 19 FCC Rcd 6331 (IB/PD 2004).

² *Id.* While the Commission's staff attempts to maintain current information as to the names of carriers on this list, we encourage interested parties to advise the Commission of future name changes that may occur as a result of divestiture of national incumbent operators into regional operators or for other reasons.

³ *International Settlements Policy Reform, International Settlement Rates*, IB Docket Nos. 02-324 and 96-261, First Report and Order, FCC 04-53, rel. Mar. 30, 2004, 69 FR 23151 (Apr. 28, 2004) (*2004 ISP Reform Order*). Among other rule changes, the *2004 ISP Reform Order* also eliminated Section 63.22(e) (involving the provision of switched basic services over authorized facilities-based private lines). Section 63.22(e) had incorporated this list by reference. The effective date of all rule changes adopted in the *2004 ISP Reform Order* is May 28, 2004, with the exception of Sections 43.51(d), 43.51(e), 64.1001 and 64.1002(c). These provisions are subject to review by the Office of Management and Budget (OMB). Once OMB completes its review, we will issue a public notice stating the effective date for these rules changes.

The Commission first adopted its list of foreign carriers that are presumed to possess market power in the *1999 ISP Reform Order*.⁴ In that proceeding, the Commission modified its rules to remove the requirement that agreements between U.S. telecommunications carriers and foreign carriers that lack market power in the foreign telecommunications market conform to the Commission's ISP. The Commission's rules include a presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; intercity facilities and services; and local access facilities and services on the foreign end.

The Commission stated that it would issue a list of carriers that do not qualify for this presumption. U.S. international carriers would be precluded from exchanging traffic outside of the ISP with carriers on the list unless otherwise allowed.⁵ U.S.-authorized carriers would also be precluded from agreeing to accept special concessions (as defined in Section 63.14 of the Commission's rules) from carriers on the list unless otherwise allowed under the Commission's rules. The Commission found that this approach would best advance the policy of allowing U.S. carriers to enter into arrangements with foreign carriers that lack market power with a minimum of regulatory oversight, while maintaining the ISP for certain arrangements with foreign carriers that possess market power in the foreign market. In the *2004 ISP Reform Order*, the Commission further reformed its rules to remove the ISP from U.S. international routes for which U.S. carriers have negotiated settlement rates at or below the benchmark level established by the Commission.

The following list specifies particular foreign carriers that do not qualify for the presumption that a foreign carrier lacks market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of the three relevant foreign product markets identified above. The list is based on publicly available information, compiled from official sources, including the International Telecommunication Union. The list of "Dominant Operators" does not specifically identify all incumbent local exchange carriers that may operate in the destination markets listed below. However, all incumbent local exchange carriers that may operate in the markets are incorporated by reference on the list.⁶

Interested persons may challenge the inclusion or exclusion of any carrier on the list by submitting a petition for declaratory ruling and the appropriate supporting documentation

⁴ *1998 Biennial Regulatory Review -- Reform of the International Settlements Policy and Associated Filing Requirements*, IB Docket No. 98-148 and CC Docket No. 90-337, Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999) (*1999 ISP Reform Order*).

⁵ *See List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 14 FCC Rcd 7038 (1999) (Public Notice issuing initial list of foreign carriers presumed to possess market power).

⁶ *See infra* "Additional carriers included on this list."

to demonstrate that a carrier included on the list lacks market power or that a carrier not included does not lack market power.⁷ This list applies only for purposes of implementing those rules which incorporate this list by reference. It does not apply for purposes of market power determination under Section 63.10 (Regulatory classification of international carriers) or Section 63.18 (Contents of applications for international common carriers). The list below will be posted on the International Bureau's World Wide Web site (<http://www.fcc.gov/ib>).

Destination Market

Dominant Operators

Afghanistan	Ministry of Communications
Albania	Albania Telecom
Algeria	Ministère des Postes et Télécommunications (MPT)
Angola	Angola Telecom
Anguilla	Cable and Wireless (West Indies) Limited
Antigua and Barbuda	Cable and Wireless (West Indies) Limited
Argentina	Telcom Argentina S.A., Telefónica de Argentina S.A.
Armenia	Armentel
Ascension Island	Cable & Wireless plc Branch
Australia	Telstra Corporation
Austria	Post and Telekom Austria AG (PTA)
Azerbaijan	Ministry of Communication
Bahamas	Bahamas Telecommunications Corporation (Batelco)
Bahrain	Bahrain Telecommunications Company (BATELCO)
Bangladesh	Bangladesh Telegraph & Telephone Board
Barbados	Barbados External Telecommunications Ltd. (BET)
Belarus	Belarus Telecom
Belgium	Belgacom
Belize	Belize Telecommunications Ltd.
Benin	Office des postes et télécommunications (OPT)
Bermuda	Cable & Wireless Bermuda
Bhutan	Bhutan Telecom
Bolivia	Empresa Nacional de Telecomunicaciones S.A.
Bosnia and Herzegovina	Telecom SRPSKE Telekom Republike Srpske
Botswana	Botswana Telecommunications Corporation (BTC)
Brazil	Embratel
British Virgin Islands	Cable and Wireless (West Indies) Limited
Brunei	Jabatan Telecom Brunei Darussalam (JTB)
Bulgaria	Bulgarian Telecommunications Company (BTC)
Burkina Faso	Office National des Télécommunications (ONATEL)
Burma	Myanmar Posts & Telecommunications
Burundi	Office National des Télécommunications (ONATEL)
Cambodia	Directorate of Posts and Telecommunications (DPTK)

⁷ See 47 C.F.R. § 43.51 Note 3 (2003).

Destination Market

Dominant Operators

Cameroon	Société des Télécommunications Internationales du Cameroun (INTELCAM)
Canada	Aliant Inc., Bell Canada, Manitoba Telecom Services, SaskTel, Telus Communications
Cape Verde	Cabo Verde Telecom Sarl
Cayman Islands	Cable & Wireless (Cayman Islands) Limited
Central African Rep.	Société Centrafricaine des Télécommunications (SOCATEL)
Chad	Société des Télécommunications Internationales du Tchad (TIT)
Chile	CTC
China	China Telecom, China Netcom
Colombia	Empresa Nacional de Telecomunicaciones
Comoros	Société Nationale des Postes et Télécommunications (SNPT)
Congo	Office National des Postes et des Télécommunications (ONPT)
Costa Rica	Instituto Costarricense de Electricidad (ICE)
Côte d'Ivoire	Société Côte d'Ivoire-TELECOM (CI-TELECOM)
Croatia	Croatia Telecom (HT)
Cuba	Empresa Telecomunicaciones de Cuba S.A. (ETECSA)
Cyprus	Cyprus Telecommunications Company
Czech Rep.	SPT Telecom
Dem. Rep. of Congo	Office Congolais des Postes et des Télécommunications (OCPT)
Denmark	Tele Danmark A/S
Diego Garcia	Cable and Wireless plc Branch
Djibouti	Société Telecom International (STID)
Dominica	Cable & Wireless Dominica Limited
Dominican Republic	Compañía Dominicana de Teléfonos (CODETEL)
Ecuador	Emetel Andinatel Pacifictel
Egypt	Egypt Telecom
El Salvador	Compañía de Telecomunicaciones de El Salvador
Equatorial Guinea	La Sociedad Anonima de Telecomunicaciones de la Republica de Guinea Ecuatorial (GETESA)
Guinea	Telecommunications Services of Eritrea (TSE)
Eritrea	Telecommunications Services of Eritrea (TSE)
Estonia	Estonian Telephone Company
Ethiopia	Ethiopian Telecommunications Corporation (ETC)
Falkland Islands	Cable and Wireless plc Branch
Finland	TeliaSonera
Fiji	Telecom Fiji Limited
France	France Télécom
Gabon	Télécommunications Internationales Gabonaises (TIG)
Gambia	Gambia Telecommunications Company, Ltd. (GAMTEL)
Georgia	Georgia Telecom (GTC)

Destination Market

Germany
Ghana
Greece
Grenada
Guatemala
Guernsey
Guinea
Guinea-Bissau

Guyana
Haiti
Holy See (Vatican City)
Honduras
Hong Kong
Hungary
Iceland
India
Indonesia
Iran
Iraq
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kazakhstan
Kenya
Kiribati
Korea (South)
Korea (North)
Kuwait
Kyrgyzstan
Laos
Latvia
Lebanon
Lesotho
Liberia
Libya
Liechtenstein
Lithuania
Luxembourg
Macau
Macedonia
Madagascar

Dominant Operators

Deutsche Telekom AG
Ghana Telecommunications Company
Hellenic Telecommunications Organization (OTE)
Cable & Wireless Grenada Limited
Telecomunicaciones de Guatemala (Telgua)
Cable and Wireless Guernsey Ltd
Société des Télécommunications de Guinée (SOTELGUI)
Companhia de Telecomunicações da Guiné-Bissau, sarl
(Guiné-Telecom)

Guyana Telephone and Telegraph Ltd.
Telecommunications d'Haiti S.A.M.
Telecom Italia
Empresa Hondureña de Telecomunicaciones
Pacific Century CyberWorks HKT
Hungarian Telecommunication Co. (MATAV)
Landssiminn
Videsh Sanchar Nigam Limited (VSNL)
PT Telekomunikas
Telecommunications Company of Iran
Ministry of Telecommunications
Eircom
Bezeq
Telecom Italia
Cable & Wireless Jamaica
Nippon Telegraph & Telephone Corporation (NTT)
Jordan Telecommunications Corporation (JTC)
Kazakhtelecom
Telkom Kenya Limited
Telecom Services Kiribati Limited
Korea Telecom
Pycompute Pyongyang
Ministry of Communications
Kyrgyztelecom
Shinawatra Telecom Company
Lattelekom
Ministry of Posts and Telecommunications
Lesotho Telecommunications Corporation (LTC)
Liberia Telecommunications Corporation
General Post and Telecommunications Company (GPTC)
Swiss Telecom PTT
Lietuvos Telekom
Luxembourg PTT
Companhia de Telecomunicações de Macau S.A.R.L.
Makedonski Telekom (MT)
Telecom Malagasy (TELMA)

Destination Market

Malawi
Malaysia

Maldives
Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mayotte
Mexico
Micronesia
Moldova
Monaco
Mongolia
Montserrat
Morocco
Mozambique
Namibia
Nauru
Nepal
Netherlands
Netherlands Antilles
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Palau
Palestine
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Réunion
Romania
Russia
Rwanda
Sakhalin

Dominant Operators

Malawi Posts and Telecommunications Corporation (MPTC)
Telecom Malaysia, Celcom, Maxis Communications,
DiGi.Com, TimedotCom.
DHIRAAGU
Société des Télécommunications du Mali (SOTELMA)
Telemalta Corporation
National Telecommunications Authority
Office des Postes et des Télécommunications (OPT)
Mauritius Telecom Limited
France Télécom
Telefonos de Mexico (TelMex)
FSM Telecommunications
Moldtelecom
France Télécom
Mongolia Telecommunications Company
Cable and Wireless (West Indies) Limited
Maroc Telecom
Telecomunicaçoes de Moçambique
Telecom Namibia
Nauru Department of Telecommunications
Nepal Telecommunications Corporation
KPN Telecom N.V.
Antelecom N.V.
Telecom Corporation of New Zealand Ltd. (TCNZ)
Enitel
Société nigérinne des télécommunications (SONITEL)
Nigerian Telecommunications Limited
Telenor AS
General Telecommunications Organization (GTO)
Pakistan Telecommunications
Palau National Communications Corporation (PNCC)
Palestine Telecommunications Company P.L.C. (PALTEL)
Cable & Wireless Panama S.A.
Telikom PNG
Antelco
Telefónica del Peru
Philippines Long Distance Telephone Company (PLDT)
Telekomunikacja Polska S.A.
Portugal Telecom S.A.
Qatar Public Telecommunications Corporation
France Télécom
Romtelecom
Rostelecom
Rwandatel S.A. (RWANDATEL)
Sakhalin Telecom Limited

Destination Market

St Helena
St. Kitts and Nevis
St. Lucia
St. Vincent and the Grenadines
San Marino
Sao Tomé & Príncipe
Saudi Arabia
Senegal

Serbia and Montenegro
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
Solomon Islands
Somalia
South Africa
Spain
Sri Lanka
Sudan
Suriname
Swaziland
Sweden
Switzerland
Syria
Taiwan
Tajikistan
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turks and Caicos
Turkey
Turkmenistan
Tuvalu
Uganda
Ukraine
United Arab Emirates
United Kingdom
Uruguay
Uzbekistan
Vanuatu
Venezuela

Dominant Operators

Cable and Wireless plc Branch
Cable & Wireless St Kitts & Nevis Limited
Cable and Wireless (West Indies) Limited
Cable and Wireless (West Indies) Limited
Telecom Italia
Companhia Santomense de Telecomunicações, s.a.r.l. (CST)
Saudi Telecommunications Company
Société Nationale des Télécommunications du Sénégal
(SONATEL)
Serbija Telecom
Cable & Wireless (Seychelles) Ltd.
Sierra Leone Telecommunications Company (SIERRATEL)
Singapore Telecom
Slovak Telecom (ST)
Telekom Slovenije (TS)
Solomon Telekom Company
Ministry of Posts and Telecommunications
Telkom SA Limited
Telefónica
Sri Lanka Telecom
Sudan Telecommunications Company Ltd. (Sudatel)
Telesur
Swaziland Posts and Telecommunications Corporation (SPTC)
TeliaSonera
Swisscomm
Syrian Telecommunications Establishment (STE)
Chunghwa Telecom
Tajiktelecom
Tanzania Telecommunications Corporation Limited (TTCL)
Telephone Organization of Thailand (TOT)
Société des Télécommunications du Togo (TOGO TELECOM)
Telecom Services of Trinidad and Tobago
Tunisie Telecom
Cable and Wireless (West Indies) Limited
Turk Telekomunikasyon A.S.
Turkmentelecom
Ministry of Labor, Works and Communications
Uganda Telecommunications Limited (UTC)
Ukrtelecom
The Emirates Telecommunications Corp. Ltd. (Etisalat)
British Telecom
Administración Nacional de Telecomunicaciones
Halqaro Telecom
Telecom Vanuatu Ltd.
Compañía Anónima Nacional Teléfonos de Venezuela

Destination Market

Dominant Operators

Vietnam	Viet Nam Post and Telecommunications Corporation (VNPT)
Samoa	Samoa Tel
Yemen	Yemen International Telecommunications Company (TELEYEMEN)
Zambia	Zambia Telecommunications Company Limited (Zamtel)
Zimbabwe	Posts and Telecommunications Corporation (PTC)

Additional carriers included on this list:

All incumbent local exchange carriers in the destination markets above.

All carriers that control, are controlled by, or are under common control with, a carrier listed above in the particular destination market.

For additional information, please contact Peggy Reitzel or Mark Uretsky, Policy Division, International Bureau, (202) 418-1460.

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